

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 14, 2004
SAN FRANCISCO, CALIFORNIA**

S004609

PEOPLE v. BEARDSLEE (DONALD JAY)
Application for stay denied

The "Emergency Motion for Stay of Execution and December 16, 2004 Hearing to Set Execution Date," filed in this court on behalf of Donald J. Beardslee on December 13, 2004, is denied insofar as it seeks a stay of the December 16, 2004, hearing in San Mateo County Superior Court to set an execution date and is denied without prejudice insofar as it seeks a stay of execution.

S128750

H026428 Sixth Appellate District

YAQUB v. SALINAS VALLEY MEMORIAL
HEALTHCARE SYSTEM
Time extended to grant or deny review

to January 24, 2005.

S129522

D041356 Fourth Appellate District,
Division One

TABACCO CASES II, JCCP 4042
Extension of time granted

to January 13, 2004 to file appellants' reply to answer to petition for review.

S078027

PEOPLE v. STREETER (HOWARD L.)
Order appointing State Public Defender filed

to represent appellant for the direct appeal.

S080840

PEOPLE v. ROGERS (GLEN)
Order appointing State Public Defender filed

to represent appellant for the direct appeal.

S093803

PEOPLE v. SEUMANU (ROPATI)
Counsel appointment order filed

appointing Mark D. Greenberg to represent appellant for the direct appeal.

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S058025

PEOPLE v. FOSTER (RICHARD D.)
Order filed

Application to file appellant's opening brief in excess of 95,200 words is granted.

S088573

VODONICK ON DISCIPLINE
Order filed

Due to a clerical error of the State Bar, the order herein filed November 17, 2004, imposing discipline on **EMIL J. VODONICK** is modified nunc pro tunc to substitute membership number 63089 in place and stead of membership number 6308.

S128140

KEY ON DISCIPLINE
Recommended discipline imposed

It is ordered that **THOMAS GEORGE KEY, State Bar No. 152520**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 3, 2004, as modified by its order filed July 23, 2004. Costs are awarded to the State Bar and one-quarter of said costs must be added to and become part of the membership fees for the years 2005, 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

S128141

ROSSI ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ANGELA M. ROSSI, State Bar No. 131581**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its

order approving stipulation filed on August 17, 2004. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S128143**YEAM ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **KEVIN W. YEAM, State Bar No. 126519**, be suspended from the practice of law for 18 months and until he makes restitution to Jose Benites (or the Client Security Fund, if appropriate) in the amount of \$3,615 plus 10% interest per annum from April 25, 2000, unless ordered otherwise by court as a result of interpleader action, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including six months actual suspension and until he makes restitution to Jose Benites (or the Client Security Fund, if appropriate) in the amount of \$3,615 plus 10% interest per annum from April 25, 2000, unless ordered otherwise by court as a result of interpleader action, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 17, 2004. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective

date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128146

DAHLZ ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JUSTIN R. DAHLZ, State Bar No. 139783**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for 18 months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 16, 2004. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions

(a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128148**GARCIA ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **MAXIMILIANO SERRANO GARCIA, State Bar No. 153387**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128150**SUN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ALEXANDER FU-PING SUN, State Bar No. 149437**, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 25, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further

ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128152

SIMMONS ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JAMES MICHAEL SIMMONS, State Bar No. 159726**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 24, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

S129669

DIAMOND ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **GARY M. DIAMOND, State Bar No. 155028**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in

subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129671

ARNOLDINI ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Martin D. Arnoldini, State Bar No. 109531**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129672

BOSCHMA ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Jerrold B. Boschma, State Bar No. 93398**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

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BEACHMAN ON RESIGNATION

The voluntary resignation of **Donald W. Beacham, State Bar No. 46521**, as a member of the State Bar of California is accepted.

S129837

TAMBORIN ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **DENNIS EUGENE TAMBORIN, State Bar No. 93007**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)